

Property Developer and Lobbyist Meeting Request Disclosure Form

MUSWELLBROOK SHIRE COUNCIL

Property Developer and Lobbyist Meeting Request Disclosure Form

Please complete and submit this form with your meeting request. The information provided in those parts of the table marked with an asterisk may be disclosed in Council's Annual Report and website.

Proposed Meeting Summary	
Proposed date of meeting*	
Name of organisation(s)*	
Name(s) of people who will be attending and their positions*	
Name of lobbying firm and personnel (if attending) *	
Purpose and topic of meeting*	
Development Application reference (if applicable) *	
Contact information	
Name, phone and email of contact person	

- I understand that the information contained in this form and marked with an asterisk may be published in Council's Annual Report and on Council's website.
- I understand this information does not contain market sensitive information or other information for which there is an overriding public interest against disclosure as defined in the *Government Information Act (Public Access) Act 2009*.
- My organisation and I agree to abide by the attached Ethical Standards.
- By making this declaration, my organisation and its representatives consent to the public release of the information contained in this form and marked with an asterisk. I am authorised to complete this form on my organisation's behalf.

Name: _____

Position: _____

Date: _____

If the purpose of the meeting is to discuss a development matter (including Development Applications), Council policy or decision making, you must complete the Statutory Declaration over the page:

For further information please contact Council's Public Officer on (02) 6549 3700.

Statutory Declaration
OATHS ACT 1900, NSW, EIGHTH SCHEDULE

I, _____, do solemnly and sincerely declare that
{name of declarant}

- Following are the details of all Federal and NSW political donations made by my organisation and its shareholders in the last five years:

Date	Political Party/Candidate	Amount

Details of additional political donations are attached as Annexures to this Statutory Declaration
{ please cross out any text that does not apply}*

and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the
Oaths Act 1900.

Declared at: _____ on _____
[place] [date]

[signature of declarant]

in the presence of an authorised witness, who states:

I, _____, a _____,
[name of authorised witness] [qualification of authorised witness]

certify the following matters concerning the making of this statutory declaration by the person who made it: *{* please cross out any text that does not apply}*

1. *I saw the face of the person OR *I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification¹ for not removing the covering, and
2. *I have known the person for at least 12 months OR *I have confirmed the person's identity using an identification document and the document I relied on was _____

[describe identification document relied on]

[signature of authorised witness]

[date]

For further information please contact Council's Public Officer on (02) 6549 3700.

¹ The only "special justification" for not removing a face covering is a legitimate medical reason (at September 2018)

Schedule 1 NSW Lobbyists Code of Conduct Part 1 Preliminary

1 Name of Code

This is the *NSW Lobbyists Code of Conduct 2014*.

2 Purpose of Code

This Code sets out the ethical standards of conduct, and other requirements, to be observed by lobbyists in connection with the lobbying of NSW Government officials in order to promote transparency, integrity and honesty.

3 Lobbyists to whom Code applies

This Code applies to third-party lobbyists and to all other individuals and bodies that lobby NSW Government officials (including individuals engaged to undertake lobbying for a third-party lobbyist).

4 Meaning of “lobbying”

- (1) For the purposes of this Code, **lobbying** a NSW Government official means communicating with the official for the purpose of representing the interests of others in relation to any of the following:
 - (a) legislation or proposed legislation or a government decision or policy or proposed government decision or policy,
 - (b) a planning application,
 - (c) the exercise by the official of his or her official functions.
- (2) Lobbying extends to:
 - (a) any such communication whether or not in the course of carrying on the business of lobbying NSW Government officials, and
 - (b) any such communication by a person who works for an organisation for the purpose of representing the interests of the organisation or its members, and
 - (c) any such communication for the purpose of representing community interests.
- (3) However, lobbying does not include:
 - (a) any communication by a member of Parliament acting in the ordinary course of his or her duties as a member (or any communication by a constituent of a member of Parliament in the ordinary course of seeking electorate advice or assistance from the member), or
 - (b) any communication by a NSW Government official acting in the ordinary course of his or her duties as a NSW Government official.

Part 2 Ethical standards of conduct applying to all lobbyists

5 Lobbyists to disclose matter to be discussed at proposed meeting

Lobbyists who seek a meeting to lobby NSW Government officials must disclose to the officials before the meeting the nature of the matter to be discussed.

6 Lobbyists to disclose any interest in matters discussed at meeting

Lobbyists who meet NSW Government officials must disclose to the officials before the meeting commences any financial or other interest they have in the matter to be discussed at the meeting.

7 Lobbyists not to engage in misleading, corrupt etc conduct

Lobbyists must not engage in any misleading, dishonest, corrupt or other unlawful conduct in connection with a meeting or other communication for the purpose of lobbying NSW Government officials.

8 Lobbyists to provide true and accurate information

Lobbyists must use all reasonable endeavours to satisfy themselves of the truth and accuracy of all material information that they provide in connection with a meeting or other communication for the purpose of lobbying NSW Government officials.

Part 3 Third-party lobbyists—additional standards and requirements

9 Third-party lobbyists required to be registered

Third-party lobbyists must not meet or otherwise communicate with NSW Government officials for the purpose of lobbying unless:

- (a) they are registered on the Register of Third-Party Lobbyists, and
- (b) any individuals they engage to undertake the lobbying for them are registered on the Register, and
- (c) they have provided all other information required to be included in the Register in connection with their lobbying business.

Note—

Conduct obligations that apply to Ministers and other NSW Government officials include an obligation not to permit lobbying of them by unregistered third-party lobbyists, and restrictions on meetings at which they are lobbied by lobbyists on the Lobbyists Watch List.

9A Third-party lobbyists required to appoint responsible officer

Third-party lobbyists must:

- (a) appoint, in the manner and form approved by the Electoral Commission, a person having a management, financial or other interest in the lobbyist as the officer of the lobbyist responsible for compliance with its obligations under the [Lobbying of Government Officials Act 2011](#) and this Code, and
- (b) give the Electoral Commission a copy of any such appointment, and
- (c) ensure that the officer annually undertakes and completes the online training approved by the Electoral Commission for the purposes of this clause.

Note—

Section 9 (7) (a) of the [Lobbying of Government Officials Act 2011](#) provides that the Electoral Commission may cancel or suspend the registration of a third-party lobbyist (or any individual engaged to undertake lobbying for a third-party lobbyist) if the lobbyist (or an individual so engaged) contravenes this Code.

10 Lobbyists to disclose if they are third-party lobbyists and identity of their clients

- (1) Third-party lobbyists must disclose to NSW Government officials they lobby:
 - (a) that they are third-party lobbyists, and
 - (b) the names of any individuals they have engaged to undertake the lobbying, and
 - (c) the name of the individual or body whose interests the lobbyist is representing, and
 - (d) if the individual or body whose interests the lobbyist is representing is a foreign principal:
 - (i) that the individual or body is a foreign principal, and
 - (ii) the foreign country in respect of which the individual or body is a foreign principal.
- (2) The information is to be disclosed before any meeting is held, or other communication made, for the purpose of the lobbying.

11 Third-party lobbyists not to lobby on matters related to Government board or committee of which they are members

Third-party lobbyists must not lobby on a matter that relates to the functions of a NSW Government board or committee of which they (or the individuals they engage to undertake the lobbying for them) are members.

12 Third-party lobbyists not to exaggerate or misrepresent their access to political parties or Government

Third-party lobbyists (and the individuals they engage to undertake the lobbying for them) must not make exaggerated or misleading claims to their clients about the nature or extent of their access to political parties, the Government or Government agencies or to persons associated with them.

13 Third-party lobbyists to keep party political involvement separate from lobbying activities

Third-party lobbyists (and the individuals they engage to undertake the lobbying for them) must keep separate from their lobbying activities any personal activity or involvement on behalf of a political party.

14 Prohibition on success fees for third-party lobbyists

Third-party lobbyists are, by the [Lobbying of Government Officials Act 2011](#), prohibited from receiving or agreeing to receive (or agreeing that other persons are to receive) success fees for the lobbying of NSW Government officials.

Part 4 Definitions

15 Meaning of words used in this Code

In this Code:

communicate includes communicate in person, in writing, by telephone or by email or other electronic means.

foreign country and **foreign principal** have the same meanings as in the [Foreign Influence Transparency Scheme Act 2018](#) of the Commonwealth.

Note—

The current version of the Commonwealth Act is available on the Federal Register of Legislation at www.legislation.gov.au.

lobbyist means:

- (a) a third-party lobbyist, or
- (b) any other individual or body that lobbies NSW Government officials (including an individual engaged to undertake lobbying for a third-party lobbyist).

meeting with a NSW Government official, means a meeting held in person with the official or by means of a teleconference.

NSW Government official means any of the following:

- (a) a NSW Minister or Parliamentary Secretary,
- (b) a staff member of a NSW Minister or Parliamentary Secretary (including a staff member in an electorate office),
- (c) the head of a NSW Public Service agency,
- (d) a person employed in the Public Service of New South Wales, the Transport Service of New South Wales or any other service of the Crown,
- (e) an individual who is engaged under a contract to provide services to or on behalf of the Public Service of New South Wales, the Transport Service of New South Wales or any other service of the Crown,
- (f) a member (however expressed) of, or of the governing body of, a NSW statutory body, but does not include a local government official.

planning application means an application or request by a person (other than a public authority within the meaning of the [Environmental Planning and Assessment Act 1979](#)):

- (a) to initiate the making of an environmental planning instrument or plan under that Act in relation to any development, project or activity on a particular site, or
- (b) for consent to, or approval of, any development, project or activity under that Act or for the modification of any such consent or approval.

Register of Third-Party Lobbyists means the Register of Third-Party Lobbyists established under the [Lobbying of Government Officials Act 2011](#), and (until a register is so established) means the Register of Third-Party Lobbyists kept by the Secretary of the Department of Premier and Cabinet.

Note—

Persons registered on the Register of Third-Party Lobbyists kept by the Secretary of the Department of Premier and Cabinet before the commencement of this Regulation are taken to be registered on the Register to be kept by the Electoral Commission under the Act. Officers of registered political parties are not eligible to be registered on the Register of Third-Party Lobbyists.

third-party lobbyist means an individual or body carrying on the business (generally for money or other valuable consideration) of lobbying NSW Government officials on behalf of another individual or body.